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Barbara Tangwall  
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REFUSED FOR FILING

A reply to an opposition  
may not be filed unless  
one is requested by  
the court. App. R.  
503(d).

Ryan Montgomery-Sythe  
Chief Deputy Clerk

cc: C. Zimmerman

IN THE SUPREME COURT OF THE STATE OF ALASKA

Donald Tangwall and Barbara Tangwall,

Appellants,

v.

Supreme Court No. S-17984

George E. Buscher and Lois L. Buscher,

Appellees.

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Trial Court Case No. 4FA-19-01974 CI

REPLY TO  
OPPOSITION TO MOTION TO DISQUALIFY CHRISTOPHER ZIMMERMAN  
AND ZIMMERMAN & WALLACE, PC FROM REPRESENTING GEORGE E.  
BUSCHER AND LOIS L. BUSCHER

COME NOW Donald Tangwall and Barbara Tangwall and show their reply as follows:

1. The Appellants Donald Tangwall and Barbara Tangwall acknowledge that Christopher E. Zimmerman is a high profile lead counsel in the prestigious law firm of Zimmerman & Wallace, PC. He is a seasoned lawyer for over forty years.
2. Christopher Zimmerman filed his opposition on January 26, 2022. The opposition is attached as Exhibit A.

3. At page 2, last paragraph, Christopher Zimmerman admits “.... The presiding judge’s screening order invoked in the underlying trial court case was Superior Court Judge Bethany Harbison’s November 7, 2018...”.
4. Any seasoned judge knows if you are going to invoke an order from another court a copy of the order must be exemplified in the instant court.
5. Christopher Zimmerman did not file an exemplified copy of the order in the trial court because the order would clearly show on page 2 , the second footnote, that the order was supported by his law partner McConahy in case number 4FA-17-01675CI.
6. On the 3<sup>rd</sup> page of Exhibit A, Zimmerman says, “Neither William R. Satterberg nor Amy Welch participated in undersigned’s preparation of the Buschers’ Answering Brief and Excerpts and they were not jointly filed.”

Satterberg and Welch never filed a separate brief with excerpts; they simply adopted lock, stock and barrel, Zimmerman’s brief. See Exhibit E attached to Tangwalls’ motion. No attorney worth his salt would sign on to a brief which he has not helped to prepare or at least to have read.

THEREFORE, the mystery as to why the exemplified copy of the order is not in the record is solved. Tangwalls could not understand why Zimmerman would invoke a presiding judge’s screening order from another case without filing an exemplified order in this instant case.

If Zimmerman would have filed an exemplified order it would have disclosed the order which is attached as Exhibit D to Tangwalls’ motion which clearly shows the screening order was supported by Zimmerman’s law partner Judge McConahy’s screening order issued in case number 4FA-17-01675CI.

Additionally, the Tangwalls were given [chris@mzwlaw.com](mailto:chris@mzwlaw.com), which includes the initial of the law partner McConahy, as the current email address for the law firm Zimmerman & Wallace, PC.

WHEREFORE, Christopher Zimmerman should be excluded from representing George and Lois Buscher in this instant case. His law partner Michael McConahy's order that declared the Tangwalls vexatious on July 3, 2017 was used to support Presiding Judge's Screening Order entered November 7, 2018. The Presiding Judge's Screening Order was invoked by Zimmerman to exclude the Tangwalls from defending the foreclosure action on their residence.

*s/ Donald A. Tangwall*  
Donald A. Tangwall

*s/Barbara Tangwall*  
Barbara Tangwall

Dated: January 27, 2022

Certificate of Service: I hereby certify that a copy of the foregoing was emailed to [chris@mzwlaw.com](mailto:chris@mzwlaw.com) on January 27, 2022.

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(907) 456-1137 fax  
[chris@mzwlaw.com](mailto:chris@mzwlaw.com) AND [service@mzwlaw.com](mailto:service@mzwlaw.com)

IN THE SUPREME COURT OF THE STATE OF ALASKA

DONALD TANGWALL and )  
BARBARA TANGWALL, )  
 )  
Appellants, )  
vs. )  
 )  
GEORGE E. BUSCHER and )  
LOIS L. BUSCHER, )  
 )  
Appellees, )  
 )

Supreme Court No. S-17984

Trial Court Case No. 4FA-19-01974 CI

**OPPOSITION TO MOTION TO DISQUALIFY**  
**CHRISTOPHER ZIMMERMAN AND ZIMMERMAN & WALLACE, PC**  
**FROM REPRESENTING GEORGE E. BUSCHER AND LOIS L. BUSCHER**

COMES NOW the Appellees George E. Buscher and Lois L. Buscher, by and through their attorney of record, Christopher E. Zimmerman of Zimmerman & Wallace, and hereby opposes Appellants Donald Tangwall and Barbara Tangwall's Motion to Disqualify Christopher Zimmerman and Zimmerman & Wallace, PC from Representing George E. Buscher and Lois L. Buscher.

The Appellants' Statement of Points on Appeal, paragraph 3 and 4, already addresses their concern regarding the Trial Court invoking the Presiding Judge's Screening Order. Since that subject has already been noticed and briefed in this appeal, it will not be further discussed in this opposition.

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*Donald & Barbara Tangwall v. George E. & Lois L. Buscher. S-17984*  
**OPPOSITION TO MOTION TO DISQUALIFY CHRISTOPHER ZIMMERMAN AND**  
**ZIMMERMAN & WALLACE, PC FROM REPRESENTING GEORGE E. BUSCHER AND LOIS L. BUSCHER**  
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EX. A

1. Michael P. McConahy was a law partner of Christopher Zimmerman and Zimmerman & Wallace, PC.

Appellants' motion states that they "were recently informed that Michael P. McConahy was a law partner of Christopher Zimmerman and Zimmerman & Wallace, P.C." This is acknowledged. Michael P. McConahy was a partner with our predecessor firm, McConahy, Zimmerman & Wallace and employed with that firm from 4/10/1987 until 9/1/2009 when he became a Superior Court Judge. It is your undersigned counsel's understanding that Judge McConahy's July 3, 2017 Order Granting Defendants' Motion to Declare Donald A. Tangwall a Vexatious Litigant and for Pre-Litigation Screening Order was entered in relation to a case being handled by attorney William Satterberg. Judge McConahy's 2017 Order was entered more than a year prior to the Buscher's initial consultation with our firm regarding Margaret Bertran's default on payments due under Deed of Trust and Promissory Note which occurred on July 24, 2018. Judge McConahy had not been affiliated with undersigned counsel nor this successor law firm for nearly 8 years when he entered the July 3, 2017 Order Granting Defendants' Motion to Declare Donald A. Tangwall a Vexatious Litigant and for Pre-Litigation Screening Order. Your undersigned first met the Buschers July 24, 2018 over a year after Judge McConahy entered that order. The Tangwalls' inference that Judge McConahy's Order was in any way clouded by his previous employment with a predecessor firm is unfounded. Judge McConahy was certainly not acting to protect your undersigned counsel or my firm's interests in 2017.

In addition, the presiding judge's screening order invoked in the underlying trial court case was Superior Court Judge Bethany Harbison's November 7, 2018 Presiding Judge's Screening Order, it was not that Judge McConahy's July 3, 2017 Order Granting Defendants' Motion to Declare Donald A. Tangwall a Vexatious Litigant and for Pre-Litigation Screening

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Order. .

2. Christopher Zimmerman and Zimmerman & Wallace, PC have an implied and/or constructive partnership with William R. Satterberg, Jr.

A review of the proffered Exhibit E indicates that it is Appellees William R. Satterberg, Jr. and Amy K. Welch's "Appellee's Notice of Joinder of Appellee George E. & Lois L. Buscher, Christopher Zimmerman and Zimmerman & Wallace, P.C.'s Answering Brief" filed in that case by undersigned counsel on behalf of George E. & Lois L. Buscher on April 21, 2021 in the matter entitled *Barbara Tangwall & Donna Uphues v. William R. Satterberg, Jr., Amy K. Welch, Brent E. Bennett, George E. Buscher, Lois L. Buscher, Paul R. Lyle, Ruth Meier, Christopher Zimmerman, and Zimmerman & Wallace, P.C.*, Case No. 21-35049 before the United States Court of Appeals for the Ninth Circuit on appeal from the United States District Court for the District of Alaska No. 4:20-cv-00040-SLG pursuant to Fed. R. App. P. 28(i), which provides:

- (i) Briefs in a Case Involving Multiple Appellants or Appellees. In a case involving more than one appellant or appellee, including consolidated cases, any number of appellants or appellees may join in a brief, and any party may adopt by reference a part of another's brief. Parties may also join in reply briefs.

The Notice filed by Satterberg/Welch on September 15, 2021 effectively provides notice to the 9<sup>th</sup> Circuit Court of Appeals of Satterberg/Welch's adoption "by reference in whole the facts, argument, conclusions and requested relief set forth by the Answering Brief." Neither William R. Satterberg nor Amy Welch participated in undersigned's preparation of the Buschers' Answering Brief and Excerpts and they were not jointly filed. The Notice itself was filed nearly 5 months after the Buschers' Answering Brief. It is not uncommon and specifically provided under Federal Rules of Appellate Procedure for a party to adopt by reference a part of another

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*OPPOSITION TO MOTION TO DISQUALIFY CHRISTOPHER ZIMMERMAN AND*

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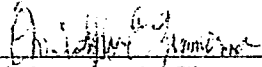
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party's brief. The Tangwalls' inference that Christopher Zimmerman and Zimmerman & Wallace, PC have an implied and/or constructive partnership with William R. Satterberg, Jr. is misplaced and inaccurate.

Therefore, for all the above reasons, Appellant Donald & Barbara Tangwall's Motion to Disqualify Christopher Zimmerman and Zimmerman & Wallace, PC From Representing George E. Buscher and Lois L. Buscher is unfounded and frivolous and merely served to create an obligation for the Buscher's counsel to spend time and expense preparing this opposition to insure it is not granted as unopposed and unduly delay the course of the action proceeding which has been fully briefed and is under consideration of this court.

DATED at Fairbanks, Alaska this 26<sup>th</sup> day of January, 2022.

ZIMMERMAN & WALLACE  
Attorneys for Appellees George & Lois Buscher

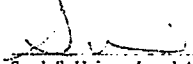
By:   
Christopher L. Zimmerman, ABA #7811150

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was mailed to:

Barbara Tangwall  
P.O. Box 140118  
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WITH courtesy copy via email to [barbalaskabounds@valion.com](mailto:barbalaskabounds@valion.com)

Donald Tangwall  
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Sarah S. Haines, Legal Assistant, Zimmerman & Wallace

  
Date

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